



*State of New Jersey*

OFFICE OF THE ATTORNEY GENERAL  
DEPARTMENT OF LAW AND PUBLIC SAFETY  
DIVISION OF CRIMINAL JUSTICE  
FIVE EXECUTIVE CAMPUS - SUITE 205  
CHERRY HILL, NJ 08002  
TELEPHONE: (856) 486-3900

CHRIS CHRISTIE  
*Governor*

KIM GUADAGNO  
*Lieutenant Governor*

PAULA T. DOW  
*Attorney General*

STEPHEN J. TAYLOR  
*Director*

October 8, 2010

TO: All County Prosecutors  
Colonel Joseph Fuentes, Superintendent, NJSP  
All Municipal Prosecutors  
All Law Enforcement Executives

**Re: Temporary Procedure for Evidential Breath Test Utilizing  
Alcotest Instrument for Standard Time Period October 31 -November 7, 2010**

In 2005, President Bush signed the Energy Policy Act of 2005, 42 U.S.C. sec. 15801. This Act, the relevant portion of which is attached, changes the dates of Daylight Savings Time effective 2007. As a result, Daylight Savings Time will end on the first Sunday in November instead of the last Sunday in October. Therefore, we will revert to Eastern Standard Time on Sunday, November 7, 2010, instead of Sunday, October 31, 2010.


The Alcotest 7110 MKIII-C New Jersey firmware version 3.11 is configured to automatically revert to Eastern Standard Time based on the pre-2007 timetable. Therefore, instead of changing to Eastern Standard Time on November 7, 2010, the Alcotest 7110 MK III-C will change on October 31, 2010. Commencing at 02:00 on October 31, 2010, the instrument will record all times, both printed and electronic, with an "S" suffix, indicating Standard Time.

The instrument's recordation of Standard Time rather than Daylight Savings Time does not affect the method of analysis or the accuracy of the readings. All current procedures for the processing of arrested intoxicated drivers are to continue, including the 20 minute observation period currently part of the regular protocol. However, because the Alcotest is set to read in Standard Time for the week between October 31 and November 7, Breath Test Operators should enter the time of arrest in the Alcotest instrument in Standard Time (one hour earlier than Daylight Savings Time). Entries on all other documents related to the arrest (e.g., police reports) should reflect Daylight Savings Time which will remain in effect until November 7, 2010.



Please inform all local law enforcement personnel to direct any questions regarding the implementation of this interim procedure to their respective New Jersey State Police Breath Test Coordinator or the Municipal Prosecutor Supervisor within the respective County Prosecutor's Office.

Very truly yours,

A handwritten signature in black ink, appearing to read "Hester Agudosi".

Hester Agudosi, Chief  
Prosecutors Supervision and Coordination Bureau

- c: Stephen Taylor, Director, Division of Criminal Justice
- AAG Boris Moczula, Deputy Director, Division of Criminal Justice
- ✓ Lt. Paul Spirit, Supervisor, NJSP Alcohol & Drug Testing Unit
- Traffic Records Unit, Criminal Justice Records Bureau, NJSP
- Dr. Howard Baum, Director, NJSP Office of Forensic Science